

REMARKS

Claims 93-114 were previously pending in this application. By this amendment, Applicants are canceling no claims. Claims 93, 97, 98 and 102 have been amended. No new claims have been added. As a result claims 93-114 are pending for examination with claims 93, 98, 103 and 107 being independent claims. No new matter has been added. The application as presented is believed to be in condition for allowance.

Double Patenting Rejection

Page 15 of the Office Action states that claim 1 is rejected under the judicially created doctrine of double-patenting over claim 1 of U.S. Patent No. 6,714,977. However, claim 1 has been canceled in the present application; therefore, Applicants assume that the Examiner rejects claim 93, rather than claim 1. The Office Action also stated that a timely filed Terminal Disclaimer in compliance with 37 C.F.R. 1.321(c) may be used to overcome this rejection. Without acceding to the correctness of this rejection, Applicants defer from filing such a Terminal Disclaimer until allowable subject matter is recognized in the present application. Applicants respectfully request that the Examiner hold this rejection in abeyance pending recognition of allowable subject matter.

Rejection under 35 U.S.C. §112

Claims 93-102 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite. More specifically, claims 93 and 98 stand rejected for lacking sufficient antecedent basis for the claim element “the sensor” and claims 97 and 102 stand rejected for lacking sufficient antecedent basis for the claim element “the camera.” Claims 94-97 and 99-102 also stand rejected based on their dependence from independent claims 93 and 98. Claims 93, 97, 98 and 102 have been amended herein, and as amended meet the requirements of 35 U.S.C. §112. Accordingly, withdrawal of the rejection of claims 93-102 under 35 U.S.C. §112, second paragraph, is respectfully requested.

Rejections Under 35 U.S.C. §103

Claims 93-114 stand rejected under 35 U.S.C. §103(a) as being unpatentable over various proposed combinations of U.S. Patent No. 5,995,946 to Beheshti et al. (hereinafter “Beheshti”), U.S. Patent No. 6,139,177 to Venkatraman (hereinafter “Venkatraman”) and U.S. Patent No. 6,363,422 to Hunter et al. (hereinafter “Hunter”). Applicants respectfully traverse these rejections and request reconsideration in light of the following comments. Contrary to the assertions in the Office Action, the proposed combinations fail to render claims 93-114 obvious because the proposed combinations are improper and because the proposed combinations do not disclose the elements of claims 93-114, arranged as claimed.

Beheshti is directed toward “an alarm/facility management unit... for remote, real-time monitoring of network components” (col. 1, lines 6-9). Beheshti discloses that this unit has a “microprocessor” (col. 4, line 3) and “can receive functionally specific cards” (col. 6, line 39) that “include cards for providing serial communications to the NOC, cards for providing serial port communications with external devices, cards for providing an Ethernet connection, cards for providing primary and secondary dial-up connectivity, and a primary power card for receiving input power” (col. 6, lines 41-46). Additionally, as disclosed in Beheshti, the unit includes “two environmental sensors for continuously monitoring temperature and relative humidity to determine if conditions are with pre-set thresholds” (col. 7, lines 56-59).

One of the disclosed objects of Beheshti is “to provide an alarm/facility management unit with a unique software program that provides powerful reporting and analysis capabilities” (col. 4, lines 53-55). To achieve this objective, Beheshti discloses that “[t]hrough integration with a Hewlett Packard software program named OpenviewTM, the alarm/facility management unit 10 provides powerful reporting and analysis capabilities” (col. 9, lines 20-23). Thus, one of the unique aspects of Beheshti is its tight integration with HP Openview.

Venkatraman is directed toward a device including a “web page [that] enables selection of at least one control function for the device” (Abstract). With reference to FIG. 1, Venkatraman discloses a “device home page 18 [that] may include control buttons according to the HTTP protocol that enable various control functions for the device 10 to be initiated from a web client via the communication path 22” (col. 4, lines 4-8). Venkatraman also discloses that the “costs of providing screen based control mechanisms are exported away from the device and

do not require an external computer to provide web access functionality to the device” (col. 2, lines 15-19).

Hunter is directed toward a system including “[o]ne or more client devices [that] are coupled to a system server through a network link, with the network adapted to support TCP/IP packet-based data transmission protocols” (Abstract). Hunter discloses that “client devices carry out normal monitoring functions locally” (Abstract). According to Hunter, “[r]egardless of the nature of the communication interface between the client and its supported equipment, the client communicates with each apparatus using its vendor specific native language protocol” (col. 6, lines 6-9). The types of supported equipment disclosed by Hunter include “[e]nvironmental control equipment” (col. 9, line 20) and “[s]ecurity systems [that] ... may include closed circuit video monitoring systems and web-based cameras” (col. 9, lines 42-44).

The various combinations of these references proposed in the Office Action are improper. More particularly, claims 93, 95, 97, 98, 100, and 102-106 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Beheshti in view of Venkatraman. The Office Action states that it would have been obvious to use the web page display and email notification features in Venkatraman with the system of Beheshti. Applicants disagree because Beheshti teaches away from a combination with Venkatraman.

As discussed above, an objective of Beheshti is to provide “a unique software program” that integrates the unit of Beheshti with HP Openview to provide “powerful reporting and analysis capabilities.” This integration with HP Openview, however, would render the addition of a web server within the unit superfluous, as HP Openview, rather than the additional web server, would provide users with the reporting capabilities so highly touted in Beheshti. Therefore, the proposed combination fails because Beheshti quite literally teaches away from reporting directly from the unit in favor of reporting through HP Openview.

Claims 94, 96, 99, 101 and 107-114 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Beheshti in view of Venkatraman in view of U.S. Patent No. 6,363,422 to Hunter et al. (hereinafter “Hunter”). However, this combination fails based on the same reasoning articulated above because Beheshti teaches away from reporting directly from the unit in favor of reporting through HP Openview. An improper combination of references may not be used as a basis for rejection under 35 U.S.C. §103(a). Accordingly, withdrawal of the rejection of claim 93-114 is respectfully requested.

Furthermore, even if the improper combinations proposed in the Office Action were proper, the improper combinations fail to disclose, teach or suggest all of the claimed embodiments.

Independent claim 98, as amended, is directed toward an apparatus comprising at least one sensor and a housing including “a plurality of processors, at least one processor of the plurality of processors responsive to the at least one sensor.” Contrary to the assertions in the Office Action, the improper combination of Beheshti and Venkatraman fails to render claim 98 obvious because the improper combination does not include a “plurality of processors” as recited. In fact, the Office Action does not assert that the combination discloses, teaches or suggests, “a plurality of processors” at all. Rather, with regard to Beheshti, page 6 of the Office Action states that “a microprocessor controls the device,” and the Office Action does not mention a processor with regard to Venkatraman. Accordingly, withdrawal of the rejection of independent claim 98 is respectfully requested.

Claims 100 and 102 depend from independent claim 98 and are, therefore, allowable for at least the same reasons as independent claim 98. Accordingly, withdrawal of the rejection of these claims is respectfully requested.

Claims 107-114 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Beheshti in view of Venkatraman in view of Hunter. Applicants respectfully traverse these rejections and request reconsideration in light of the following comments.

Independent claim 107 is directed toward an apparatus comprising a housing including “a temperature sensor; a humidity sensor; an acoustic sensor; an airflow sensor” and “at least one external sensor interface configured to connect to an external sensor.” Contrary to the assertions in the Office Action, the proposed combination of Beheshti, Venkatraman and Hunter fails to render claim 107 obvious because the proposed combination does not disclose a housing including the claimed set of sensor elements recited in claim 107. While Hunter discloses a variety of sensors, Hunter does not disclose a housing including “a temperature sensor; a humidity sensor; an acoustic sensor; an airflow sensor; at least one external sensor interface configured to connect to an external sensor.” Without disclosure of this particularized combination of elements, one of ordinary skill in the art would not find this specific, and complex, combination obvious. Accordingly, withdrawal of the rejection of independent claim 107 is respectfully requested.

Claims 110, 113 and 114 depend from independent claim 107 and are, therefore, allowable for at least the same reasons as independent claim 107. Accordingly, withdrawal of the rejection of these claims is respectfully requested.

Claims 99 and 101 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Beheshti in view of Venkatraman in view of Hunter. Applicants respectfully traverse these rejections and request reconsideration in light of the following comments.

Claims 99 and 101 depend from independent claim 98. As discussed above independent claim 98 is allowable over the improper combination of Beheshti and Venkatraman because the improper combination fails to disclose an apparatus comprising at least one sensor and a housing including “a plurality of processors, at least one processor of the plurality of processors responsive to the at least one sensor.” Adding Hunter to the improper combination of Beheshti and Venkatraman does not cure this infirmity because Hunter also fails to disclose “a plurality of processors.” Thus, this improper combination does not disclose, teach or suggest at least one element recited in claim 98. Claims 99 and 101 are, therefore, not obvious based on their dependency from claim 98. Accordingly, withdrawal of the rejection of these claims is respectfully requested.

CONCLUSION

In view of the foregoing amendments and remarks, reconsideration is respectfully requested. This application should now be in condition for allowance; a notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, which is not covered by an accompanying payment, please charge any deficiency to Deposit Account No. 50/2762.

Respectfully submitted,

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